

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 18-32V

Filed: December 6, 2018

UNPUBLISHED

VELVA CAROL SLOAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Influenza (Flu) Vaccine;
Guillain-Barre Syndrome (GBS)

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for petitioner.

Brittany A. Ditto, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On January 5, 2018, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the “Vaccine Act”). Petitioner alleges that she suffered Guillain-Barre Syndrome (“GBS”) as a result of her October 8, 2015 influenza (“flu”) vaccination. Petition at 1-4. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ The undersigned intends to post this ruling on the United States Court of Federal Claims' website. **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access. Because this unpublished ruling contains a reasoned explanation for the action in this case, undersigned is required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services).

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On December 3, 2018, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent indicates that

[i]t is respondent's position that petitioner has satisfied the criteria set forth in the recently revised Vaccine Injury Table and the Qualifications and Aids to Interpretation ("QAI"), which afford petitioner a presumption of causation for her GBS if the onset occurs between three and forty-two days after a seasonal flu vaccination and there is no identified more likely alternative diagnosis. 42 C.F.R. § 100.3(a)(XIV)(D), (c)(15).

Id. at 3. Respondent further agrees that

[w]ith respect to other statutory and jurisdictional issues, the records show that the petition was timely filed, the vaccine was received in the United States, and that the six month sequela requirement has been met. See 42 U.S.C. §§ 300aa-11(a-c), as amended. Likewise, Petitioner avers that she has not received any compensation in the form of award or settlement in connection with her vaccine-related injury. See 42 U.S.C. §§ 300aa-11(c)(1)(E).

Id. at 3-4.

In view of respondent's position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master